

Our ref: KON-1821

Client's ref: P6215-001-0000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Application of: H. KASHIWAGI et al: Art Unit: 1752

Appln. No. :	10/657,661	:	
Filed	: September 9, 2003	:	Examiner: T. Chea
Title	: SILVER SALT	:	
	PHOTOTHERMOGRAPHIC DRY	:	
	IMAGING MATERIAL	:	

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**Confirmation #2782**

**DECLARATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S i r:

I, Soc Man Ho Kimura, hereby declare and say as follows:

1. I am one of the named Inventors in this Application and have previously submitted Declarations dated September 15, 2006, July 7, 2006 and March 31, 2006.

2. I am aware that the Examiner has put forward a rejection based on the combination of Arai (U.S. Patent No. 6,090,538) and Takada (U.S. Patent No. 6,235,460). I am also aware that the Examiner has stated that Takada teaches that organic compounds, such as, 4-hydroxy-1,3,3a,7-tetrazaindene can be added at any time during silver halide grain formation.
3. As I stated in my September 15, 2006 Declaration, I am of the opinion that Arai teaches adding a tetrazaindene compound after nucleus formation.
4. I have read Takada and agree with the Examiner that, at Column 13, lines 33-36, he teaches that antifoggants or stabilizers may be optionally added before, during, or after grain formation, at the stage of washing, at the stage of dispersions after washing, before, during or after chemical sensitization or before coating. As one of skill in the art, I do not believe that this teaching in Takada directs one of skill in the art that, if the antifoggant or stabilizer is added at nucleus formation or during grain growth, that an improvement in storage stability and image lasting quality is obtained.

5. In order to demonstrate the unique characteristics obtained by the present Invention through the addition of a dopant at nucleus formation or during grain growth, as opposed to after grain formation, comparative tests have been run and the results of those tests are reported herein. These tests were run by me or under my direct supervision and control.
6. I prepared a material in accordance with Example 3 of Arai wherein the tetrazaindene compound was added after grain growth. Specifically, I prepared material in accordance with Example 3 of Arai and the 3rd Sample listed in Table 10. It will be noted that no hydrazine derivative was used in this material. Additionally, I replaced Developer 1 with the compound of Formula 1-1 of the present Invention, see page 8 of this Application for the formula of formula 1-1. The amount of the compound of formula 1-1 used in this example was 0.005 mols. This sample was labeled Sample 7A. As noted in my September 15, 2006 Declaration in Paragraph 3, this Example 3 of Arai teaches adding the tetrazaindene compound after grain growth.

7. A second sample labeled Sample 7B was prepared in an identical manner to Sample 7A above except for the fact that during the preparation of the silver halide grains, the 0.3 grams of 4-hydroxy-6-methyl-1,3,3a,7-tetrazaindene was added at the same time as the addition of the silver nitrate and the hexacyanoferate (III) and hexachloroiridium (III) complex salt. Thus, the tetrazaindene in Sample 7B was added during grain growth of the silver halide grains.
8. Samples 7A and 7B were each tested for the ratio of Sb/Sa as well as storage stability and image lasting quality in accordance with the methods described on pages 94-97 of this Application. The values obtained for each one of these samples is listed in Table 7 which is attached hereto.
9. As can be seen by the data in Table 7, the addition of the tetrazaindene during grain growth results in substantial improvement to storage stability and image lasting quality. As one of skill in the art, I find this surprising and unexpected. I find it surprising and unexpected because I would not have expected, based on the teachings of Arai and Takada, that such an improvement in storage stability and

image lasting quality would be obtained by adding the tetrazaindene during grain growth as opposed to after grain growth.

10. It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the U.S. Code; and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

  
Soc Man Ho Kimura

Dated: This 5<sup>th</sup> day of February, 2007.

Encl: Table 7

DCL/mr

Table 7

Sample No.	Com-pound (1) * 1	Silver		Silver Aliphatic Carboxylate		Photographic Characteristic	Storage Stability	Image		Remarks
		Halide Emulsion (* 2)	Melting Point (* 3) (°C)	Behenic Acid (mol %)				Quality	Quality	
7A	(1-1)	No	81	100	SB/SA	Dmin	Dmin1	Dmin2	148	Cor.
7B	(1-1)	No	81	100					114	Inv.

\* 1 Compound of formula (1) of the present invention

\* 2 Chemical sensitization

\* 3 Melting point of aliphatic carboxylic acid